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09/27/2005 02 FC:2814 PTO/SB/26 (09-04)
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## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional) 00025.04CON

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In re Application of: RABINOWITZ ET AL.	
Application No.: 10/766,647	
Filed: JANUARY 27, 2004	
FOI: DELIVERY OF ANALGESICS THROUGH AN INHALATON ROUTE	
The owner*, ALEXZA MOLECULAR DELIVERY CORPORATION, of, of, of, of, of, except as provided below, the terminal part of the statutory term of any pate the expiration date of the full statutory term prior patent No. 6,716,417 B2 and 173, and as the term of said prior patent is presently shortened by any granted on the instant application shall be enforceable only for and during stagreement runs with any patent granted on the instant application and is bind.	as the term of said prior patent is defined in 35 U.S.C. 154 reterminal disclaimer. The owner hereby agrees that any patent so uch period that it and the <b>prior patent</b> are commonly owned. This
In making the above disclaimer, the owner does not disclaim the terminal pa would extend to the expiration date of the full statutory term as defined in 35 patent is presently shortened by any terminal disclaimer," in the event that so expires for failure to pay a maintenance fee; is held unenforceable;	U.S.C. 154 and 173 of the prior patent, "as the term of said prior
is field diffinitiveable, is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR has all claims canceled by a reexamination certificate; is reissued; or	1.321;
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2. The undersigned is an attorney or agent of record. Reg. No. 48,0	53
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